

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RANDY GELBUTIS,
Plaintiff

: No. 3:17cv1057

: (Judge Munley)

v.

OFFICER JOHN BUCHINSKY,
Defendant

ORDER

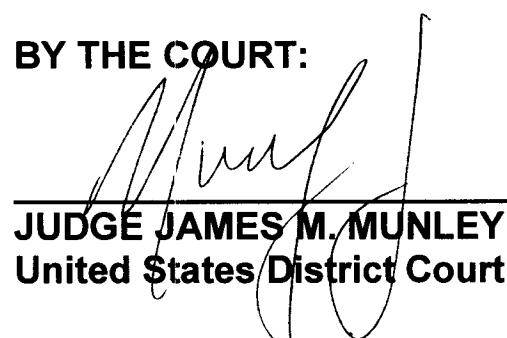
AND NOW, to wit, this 13 day of September 2019, we have before us for disposition Magistrate Judge Karoline Mehalchick's report and recommendation, which proposes that defendant's motion for summary judgment (Doc. 59) be granted.

No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in deciding whether to adopt the report and recommendation, we must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(B) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, we find neither a clear error on the face of the record nor a manifest injustice. Additionally, we deem the defendant's motion for summary judgment unopposed¹ as the plaintiff failed to file a brief in opposition, despite being granted multiple extensions of time, and therefore, we shall adopt the report and recommendation. It is hereby **ORDERED** as follows:

- 1) The magistrate judge's report and recommendation (Doc. 72) is **ADOPTED**;
- 2) The defendant's motion for summary judgment (Doc. 59) is **GRANTED**;
- 3) The Clerk of Court is directed to **ENTER** judgment in favor of defendant and against plaintiff; and
- 3) The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:


JUDGE JAMES M. MUNLEY
United States District Court

¹ See L.R. 7.6 ("Any party who fails to comply with this rule shall be deemed not to oppose such motion . . . [a] brief in opposition to a motion for summary judgment . . . shall be filed within twenty-one (21) days after service of the movant's brief.").